

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVIN FENIX,

Plaintiff,

v.

J. SOTO,

Defendant.

No. 1:24-cv-00202-JLT-SAB (PC)

ORDER GRANTING DEFENDANT’S
MOTION TO MODIFY THE AMENDED
SCHEDULING ORDER

(ECF No. 43)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

Currently before the Court is Defendant’s motion to modify the discovery and scheduling order, and notice of Plaintiff’s failure to update his address, filed September 29, 2025. (ECF No. 43.) Defendant submits that Defendant served his first set of requests for production of documents on Plaintiff on August 29, 2025. (Widman Decl. ¶ 2.) On September 5, 2025, in anticipation of noticing Plaintiff’s deposition, Defendant served Plaintiff with a letter inquiring whether Plaintiff would be willing to stipulate to a remote deposition and a stipulation for a remote deposition. (Id. at ¶ 3.) On or about September 15, 2025, counsel for Defendant received a returned mailing of these documents with a sticker affixed to the returned envelope that was stamped with “Return to Sender,” “Vacant,” and “Unable to Forward.” (Id. at Ex. A.) Therefore,

1 Defendant requests that the Court extend the October 30, 2025 discovery deadline by 30 days,
2 such that the deadline for completion of all discovery, including filing all motions to compel
3 discovery, will be due on November 29, 2025. (ECF No. 43.) Defendant also requests that the
4 Court issue an order requiring Plaintiff to provide an updated address within two weeks. (Id.)

5 Good cause having been presented, it is HEREBY ORDERED that the parties have up to,
6 and including **November 29, 2025**, to complete discovery, including filing all motions to compel
7 discovery. However, the Court declines to issue an order directing Plaintiff to update his address
8 as no court order has been returned as undeliverable and Defendant can remedy Plaintiff's failure
9 to update his address by filing an appropriate motion to compel and/or motion to dismiss the
10 action.

11 IT IS SO ORDERED.

12 Dated: **September 30, 2025**



13
14 STANLEY A. BOONE
United States Magistrate Judge